

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

United States of America)	
)	Cr. No. 7:97-765-HMH
vs.)	C/A No. 6:05-3279-HMH
)	
Ralph Sullivan,)	
)	OPINION & ORDER
Movant.)	

This matter is before the court with the Report and Recommendation of the United States Magistrate Judge William M. Catoe, made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 DSC.¹ On January 23, 2006, Ralph Sullivan (“Sullivan”), a pro se federal prisoner, filed a motion to proceed in forma pauperis on appeal. Sullivan appeals from the orders of this court, document numbers 4 and 7, dismissing his 28 U.S.C. § 2255 motion as time-barred. Magistrate Judge Catoe recommends denying Sullivan’s motion because he has “assets consisting of an available balance of \$2,306.29 in his prison account.” (Report and Recommendation 1.)

Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party’s right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Sullivan failed to file any objections to the Report and Recommendation. Therefore, after a thorough review of the Magistrate Judge's Report and the record in this case, the court adopts the Magistrate Judge's Report and Recommendation.

It is therefore

ORDERED that Sullivan's motion to proceed in forma pauperis on appeal, document number 13, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
March 28, 2006

NOTICE OF RIGHT TO APPEAL

Movant is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.